

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DONALD FRANGIPANI,

Plaintiff,

- against -

**HBO; BRYANT GUMBEL; RICK BERNSTEIN;
ROSS GRENBURG; KIRBY BRADLEY; ANDREW
BENNETT; JOE PERSKIE; TRES DRISCOLL;
and ARMEN KETEVIAN; COLLECTORS
UNIVERSE INC., d/b/a PSA/DNA
AUTHENTICATION SERVICES; JAMES SPENCE
AUTHENTICATION; JAMES SPENCE,
individually; RICHARD SIMONE SPORTS;
RICHARD SIMON, individually;**

Defendants.

ECF Case

No. 08 Civ. 5675 (GBD)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and for the reasons set forth in the accompanying Memorandum of Law, Affidavit of Rolande Prince, and Declaration of Stephanie S. Abrutyn, Esq., defendants Home Box Office, Inc., Bryant Gumbel, Rick Bernstein, Ross Greenburg, Kirby Bradley, Joe Perskie and Armen Keteyian, by and through their undersigned counsel, hereby move to dismiss the Complaint or, in the alternative, for summary judgment.

PLEASE TAKE FURTHER NOTICE that any opposition to this Motion must be served and filed by July 28, 2008.

Dated: New York, New York
July 16, 2008

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ, L.L.P.

By: /s/ David A. Schulz
David A. Schulz
321 West 44th Street, Suite 510
New York, New York 10036
(212) 850-6100

*Attorneys for Defendants Home Box Office, Inc.,
Bryant Gumbel, Rick Bernstein, Ross Greenburg,
Kirby Bradley, Joe Perskie and Armen Keteyian*

TO: Salvatore Strazzullo, Esq.
100 Park Avenue, Suite 1600
New York, NY 10017